

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Jane Doe 1, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

JPMorgan Chase Bank, N.A.,

Defendant.

Case No. 1:22-CV-10019 (JSR)

**JOINT DECLARATION OF DAVID BOIES AND BRADLEY EDWARDS IN SUPPORT
OF CLASS REPRESENTATIVE JANE DOE 1’S MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT
WITH DEFENDANT JPMORGAN CHASE BANK N.A.**

We, David Boies and Bradley Edwards, declare as follows:

1. I, David Boies, am a member in good standing of the bar of the State of New York and am admitted to practice before this Court. I am the Chairman and a Managing Partner of Boies Schiller Flexner LLP (“BSF”). I make this declaration on my own personal knowledge, and if called as a witness to testify, I could and would testify competently to the following facts.

2. I, Bradley Edwards, am a partner at Edwards Henderson Lehrman (“EHL”). I am an attorney at law duly licensed to practice before the courts of the state of New York. I make this declaration on my own personal knowledge, and if called as a witness to testify, I could and would testify competently to the following facts.

3. The two law firms representing Plaintiffs, Boies Schiller Flexner LLP and Edwards Henderson Lehrman (collectively, “Class Counsel”), have invested significant resources into investigating and litigating this case and as such, have been appointed Co-Lead Class Counsel.

4. We submit this declaration in support of the motion filed by Jane Doe 1 (“Plaintiff” or “Class Representative), for preliminary approval of class action settlement with Defendant JPMorgan Chase Bank, N.A. (“Defendant” and together with Plaintiff, the “Parties”). Our firms represent the Class Representative in the above-captioned action (the “Litigation”).

A. Preparation of this Case

5. This case grew out of our firms’ long representation of the survivors of Jeffrey Epstein’s sex trafficking ring. EHL began representing Epstein survivors in 2009. BSF began representing Epstein survivors in the first half of 2014.

6. By 2021, our firms had successfully brought lawsuits against Epstein himself during his life, his estate after his death, certain collaborators like Ghislaine Maxwell, and certain participants like Prince Andrew. Although we had collectively recovered substantial amounts for our clients, we believed they had not been fully compensated, and that many who had made the scope, scale, and duration of Epstein’s sex trafficking possible had not been held accountable.

7. For several years we had investigated Epstein’s relationship with major banks. In early 2021, we decided to make a concerted effort to develop cases against JPMorgan and Deutsche Bank, the two primary banks on which Epstein had relied.

8. We recognized the risks such cases entailed. We recognized that no such case had been previously brought. We also recognized the banks would argue that they did not have legal liability for the acts of their depositors, and that they would argue that because the damages suffered by individual survivors varied greatly, a class would not be certified.

9. Nevertheless, we believed that the intent of applicable legislation was to hold entities like these banks accountable for their role in facilitating sex trafficking, and we decided to proceed.

10. We collected and analyzed thousands of documents and interviewed more than 100 witnesses who had knowledge of Epstein's sex trafficking and the role JP Morgan had played in making its scope, scale, and duration possible. We contacted law enforcement personnel, prosecutors, and regulators to gather additional information and documents. We secured affidavits and other statements under oath from potential fact witnesses to help ensure that we could prove what we alleged. We retained and began to work with experts both to establish liability and to develop proof of damages. We researched and analyzed cases and commentary, and legislative history -- and ultimately, we drafted, and redrafted a complaint.

11. After we filed our complaint, we were met with the effective, aggressive defense we expected. It is not an exaggeration that JP Morgan fought us every step of the way. The Bank moved to dismiss both the initial and amended complaint, resisted discovery, took extensive discovery itself of the Plaintiff and our witnesses, filed a Daubert motion, and opposed class certification.

B. Relevant Firm Experience

12. BSF has a strong record of successfully and diligently representing plaintiffs in complex class action litigation. Recent cases in which BSF or its partners were lead or co-lead counsel include: *In re Grupo Televisa Securities Litigation* (1:18-cv-01979) (S.D.N.Y.), in which the court granted preliminary approval of a settlement last month, on April 20, 2023; *In re Blue Cross Blue Shield Antitrust Litigation* (2:13-cv-20000) (N.D. Ala.), an antitrust class action in which BSF achieved both what the court referred to as "historic" injunctive relief and a \$2.7 billion award in a settlement that received final approval in October 2022; *In re Takata Airbag Products Liability Litigation* (1:15-md-02599) (S.D. Fla.), a products liability class action, which is still proceeding against certain defendants but in which BSF has already obtained a recovery of more

than \$1.5 billion; and *In re Halliburton Securities Litigation* (13-317), in which BSF won two appeals to the U. S. Supreme Court before achieving a \$100 million recovery.

13. Another notable case in which BSF was lead counsel is *In re Auction House Antitrust Litigation* (1:00-cv-00648) (S.D.N.Y.), in which the firm won \$512 million in an antitrust class action after prior interim lead counsel valued the case at less than \$100 million.

14. BSF has expended substantial time and resources in actively and diligently litigating this action. The BSF litigation team has already devoted thousands of hours and substantial resources in developing the Class Representative's case and undertaking substantial fact discovery.

15. EHL has similarly expended substantial time and resources in actively and diligently litigating this action. The EHL litigation team has devoted thousands of hours and substantial resources in developing the Class Representative's case and undertaking substantial fact discovery.

16. The expenses that BSF and EHL have already incurred include the retention of expert witnesses, consultants, investigators, court reporters, videographers, and an e-discovery vendor.

17. EHL took a lead role in the initial research into this matter dating back to early 2021 and interviewed dozens of witnesses and dozens of survivors both in the United States and abroad, and reviewed tens of thousands of documents prior to filing of the complaint. EHL was responsible for drafting the initial complaint and maintaining constant communication with the Class Representative and other prospective class members throughout the course of this litigation. After the filing of the complaint, EHL conducted a number of interviews with confidential witnesses, took key depositions, and prepared witnesses for depositions including the Class Representative.

EHL also worked alongside the Class Representative to identify, review, and produce tens of thousands of pages of discovery to the Defendant. EHL has also engaged in an extensive investigation into the identity of the class members and has spent substantial time communicating with same.

18. BSF and EHL began collaborating on this matter in 2021. BSF took a lead role in drafting the Class Representative's opposition to Defendant's motion to dismiss and arguing it before the Court, resulting in the Court denying Defendant's motion, in part, and allowing the matter to proceed through discovery. BSF also took a lead role in drafting the Class Representative's successful motion to certify the class. BSF has also taken a number of depositions and has reviewed thousands of documents produced by Defendant in order to further develop class members' claims.

19. On May 30, 2023, BSF and EHL engaged in a full-day, arms-length confidential mediation with Defendant before experienced mediators in large and complex civil sexual abuse matters and class actions, including Layn Phillips of Phillips ADR and members of his team. The mediation was preceded by the submission of mediation statements by the parties. Although an agreement was not immediately reached, settlement discussions continued between the Parties for several days. Through these discussions, the Parties engaged in good faith negotiations and reached an agreement in principle. The Parties negotiated a Confidential Term Sheet ("Term Sheet") memorializing their agreement to settle the Class's claims against Defendant and end the Litigation, and executed the Term Sheet on June 11, 2023. The Term Sheet included, among other things, the Parties' agreement to settle and dismiss with prejudice the Litigation and grant full mutual releases in return for a cash payment of \$290 million by and/or on behalf of Defendant for

the benefit of the Class, subject to the negotiation of the terms of a Stipulation of Settlement and approval by the Court.

C. Team Members

20. The BSF litigation team includes partners David Boies, Sigrid McCawley, Andrew Villacastin, and twenty other lawyers, as well as a full support staff led by experienced paralegals.

21. **David Boies:** David Boies personally served as co-lead counsel in cases such as *In re Grupo Televisa Securities Litigation* (1:18-cv-01979) (S.D.N.Y.), *In re Halliburton Securities Litigation* (13-317), *In re Blue Cross Blue Shield Antitrust Litigation* (2:13-cv-20000) (N.D. Ala.), *In re Takata Airbag Products Liability Litigation* (1:15-md-02599) (S.D. Fla.), *In re Vitamins Antitrust Litigation* (99-7256, 99-7281) (D.D.C.).

22. David Boies, along with Ms. McCawley, has represented survivors of Jeffrey Epstein's sex trafficking enterprise since June 2014. They brought their first case on behalf of survivors against Ghislaine Maxwell in 2015 and their first case against Jeffrey Epstein on behalf of survivors in 2016. They have also represented survivors in civil litigation against Epstein's Estate, *see Farmer v. Indyke, et al.* (1:19-cv-10474); *Farmer v. Indyke, et al.* (No. 1:19-cv-10475); *Helm v. Indyke, et al.* (1:19-cv-10476); *Bryant v. Indyke, et al.* (No. 1:19-cv-10479); *Doe 1000 v. Indyke, et al.* (1:19-cv-10577), and have represented survivors who made applications to the Epstein Victim's Compensation Fund. They have also represented an Epstein survivor in her civil lawsuit against Prince Andrew, *Giuffre v. Andrew* (21-cv-6702) (S.D.N.Y.).

23. **Sigrid McCawley:** Sigrid McCawley is a Managing Partner of BSF. Ms. McCawley's experience and talents have been nationally recognized, having been named Litigator of the Year by The American Lawyer, Top Ten Female Litigator in 2020–2022 by Benchmark Litigation, a finalist for Lawyer of the Year by the American Lawyer in 2022, a finalist for

Attorney of the Year in Florida by Daily Business Review, and numerous other awards. Ms. McCawley has handled some of BSF's most challenging disputes, including securing a \$100 million victory in the landmark case before the U.S. Supreme Court in *In re Halliburton Securities Litigation* (No. 13-317).

24. Ms. McCawley's experience representing survivors of sexual abuse is also well-documented. As noted above, Ms. McCawley has devoted years of her career to advocating on behalf of survivors of Jeffrey Epstein, including in cases against Prince Andrew, Ghislaine Maxwell, and the Epstein Estate. Ms. McCawley was recognized by Forbes Magazine for her "iron clad interrogation skills" during the deposition of Ghislaine Maxwell. Her work contributed to the arrest of Jeffrey Epstein, Ghislaine Maxwell, and Jean Luc Brunel, and resulted in a successful resolution of claims for numerous Epstein survivors. Ms. McCawley's work for survivors of Jeffrey Epstein has been featured on Netflix, Lifetime, 60 Minutes, ABC, NBC, CBS, CNN, and Fox, and has been reported on in *The New York Times* and *The Wall Street Journal*.

25. **Andrew Villacastin:** Andrew Villacastin is a partner at BSF. In 2022, Mr. Villacastin was recognized in the 2023 edition of Best Lawyers in America as Ones to Watch for his work in commercial litigation. Mr. Villacastin also has significant experience litigating class actions—he is currently defending a life insurance company in multiple class action lawsuits and has represented a major bank in multidistrict LIBOR-related actions involving antitrust, securities, RICO, Commodities Exchange Act, and state law claims. As mentioned above, Mr. Villacastin has been a zealous advocate for survivors of Jeffrey Epstein for four years and has worked on many of the aforementioned Epstein-related cases alongside Ms. McCawley.

26. The EHL team includes Bradley Edwards, Brittany Henderson, and six other lawyers, as well as a full support staff led by experienced paralegals.

27. **Bradley Edwards:** Bradley Edwards has extensive experience in all aspects of sexual abuse, human trafficking, and complex litigation and is a board-certified trial lawyer. He specializes in representing crime victims across the country. Since 2008, he has represented Courtney Wild, a woman who was sexually abused by Jeffrey Epstein when she was 14 years old. From 2008 to the present, he has represented more than 70 women in litigation brought against Jeffrey Epstein, his associates, his enablers, and his Estate. He has also sued the U. S. Government for violating the rights of Jeffrey Epstein's victims pursuant to the Crime Victims' Rights Act as a result of the secret plea deal that the Government extended to Epstein. He has presented at a number of national conferences and conventions on the legalities of his over-a-decade-long legal battle with Epstein. He received one of the Top 50 verdicts in the United States in 2015, 2016, and 2018 and two of the top Florida verdicts in 2011 and 2012. Throughout his career, he has obtained hundreds of millions of dollars in verdicts and settlements for his clients and has argued and tried cases in District and State courts around the country and before the U.S. Court of Appeals.

28. Mr. Edwards was named Lawyer of the Year by the Daily Business Review in 2020 and Lawyer of the Year in 2021 by the Florida Justice Association, both for his precedent-setting work on behalf of the survivors of Jeffrey Epstein and his work in defining the rights of crime victims in the United States. His professional peers have recognized him as a Top-Rated Lawyer through the Martindale-Hubbell© Peer Review Rating system and with an "AV" rating of "Very High to Preeminent" as a testament to his level of professional excellence and ethics. Mr. Edwards has been certified as a lifetime member of the Million Dollar Advocates Forum and the Multi-Million Dollar Advocates Forum. He has been profiled in the Best Lawyers in America and has been recognized by the National Trial Lawyers and SuperLawyers.

29. **Brittany Henderson:** Brittany Henderson is a partner at EHL, and an experienced trial lawyer recognized as a leader in the representation of crime victims and survivors of sexual abuse in civil litigation. Ms. Henderson was recognized in 2016 for obtaining one of the top 50 jury verdicts in the United States resulting from a high-profile sexual abuse case that was litigated in Federal Court in Chicago, Illinois. Ms. Henderson was again recognized in 2018 after she obtained a \$71 million verdict in state court on behalf of a young woman who was sexually assaulted while working as a crew member on a yacht. Ms. Henderson has represented survivors of Jeffrey Epstein for nearly a decade and played an integral role in helping to establish the Epstein Victim's Compensation Fund, which was one of the largest and most successful claims fund programs in U. S. history. Ms. Henderson has been recognized repeatedly as a "Rising Star" by SuperLawyers and annually by the National Trial Lawyers Association's "Top 40 Under 40."

D. Exhibits in Support of Jane Doe 1's Motion for Preliminary Approval of Class Action Settlement

12. **Attached are true and accurate copies of the following documents:**

- a. **Exhibit 1:** The Stipulation and Agreement of Settlement, dated June 22, 2023.
- b. **Exhibit 2:** Declaration of Mediator Layn R. Phillips, dated June 21, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 22, 2023

Respectfully Submitted,

By: /s/ Bradley J. Edwards

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